UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,891	02/20/2004	Gregory E. Aldridge	8233-10	7638

30565   7590   02/01/2008
WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137

EXAMINER
BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
02/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/783,891	ALDRIDGE, GREGORY E.
	Examiner	**Art Unit**	
	X. L. Bautista	2179	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 February 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>20 February 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>2/20/2004</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

2.   **Claims 1-3, 7-14, 18, 19 and 21 are rejected under 35 U.S.C. 102(e) as being**

anticipated by Mikhail et al (US 7,246,324 B2).

Claims 1 and 11:

Mikhail discloses a system and method for displaying data using applets within hidden

frames on a browser (abstract; col. 1, lines 30-61). Mikhail teaches requesting a browser

application to be retrieved from a server, the application requiring no web components to be

installed before using the application other than a web browser (col. 1, lines 47-61); receiving a

page from the server that contains code for a user interface for the application (col. 2, lines 34-49; col. 4, lines 39-53); displaying the user interface containing content windows (col. 10, lines 23-50; figs. 4A, 4B); determining that at least one piece of data needs to be retrieved from a data source; from a hidden frame in the page (figs. 7 and 9; col. 12, lines 7-31, 46-62), sending an asynchronous request to the server (col. 8, lines 33-67; col. 9, lines 1-6; col. 17, lines 14-19); receiving the piece of data from the server; and using the piece of data (col. 1, lines 30-61).

Claim 2:

Mikhail teaches user interaction with the interface of the application while the asynchronous request for the piece of data is pending (col. 8, lines 33-67; col. 9, lines 1-6; col. 17, lines 14-19).

Claims 3 and 14:

Mikhail teaches a request for a piece of data is based on a specific action taken by the user that requires the piece of data to be requested (col. 12, lines 32-38; fig. 8).

Claim 7:

The content windows have content displays that can be customized by the user whenever new information is displayed in response to the user's requests.

Claims 8 and 13:

Mikhail teaches content windows displaying at least one piece of content that is selected from at least a web service (col. 2, lines 56-67), database (col. 3, lines 57-67), a report (col. 6, lines 10-20), a file (col. 7, lines 6-11), page (col. 10, lines 43-50; col. 12, lines 32-35).

Claim 9:

Mikhail teaches content having at least tables (col. 3, lines 48-55) and a list (col. 13, lines 48-67; col. 14, lines 1-29).

Claim 10:

Mikhail teaches a notification server, a notification application (fig. 1; col. 2, lines 45-49) and a browser notification (col. 3, lines 15-20; col. 4, lines 21-24). Mikhail teaches a notifier object to indicate or notified that an event, such as changed data, has occurred (col. 4, lines 39-53).

Claims 12 and 19:

Mikhail teaches web documents displaying a plurality of content such as static data and dynamic data (fig. 4B; col. 1, lines 37-46; col. 10, lines 40-61).

Claim 18:

See claim 1. Mikhail teaches a system having a server computer, a client computer, and a browser-based user interface having multiple content windows (abstract; col. 1, lines 7-9, 47-61; fig. 1). Mikhail teaches using application business logic for retrieving requested data from a source (col. 2, lines 56-67; col. 5, lines 11-18). Mikhail explains that users may need to be authorized to access data (col. 7, lines 18-56; col. 8, lines 1-6).

Claim 21:

Mikhail teaches a Sybase server having multiple programs or applications, such as a

Sybase database and a notification (reporting) server; and an application server also including

multiple programs, such as trading applications and notification (reporting) application (fig. 1;

col. 2, lines 34-49; col. 4, lines 26-32, 39-53).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   **Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Mikhail et al (US 7,246,324 B2) and Datta (US 6,622,168 B1).

Claims 4 and 15:

Mikhail does not teach that the request for data is based on a prediction of a future data

that is likely to be needed and wherein the data is then only used in the application if needed.

However, Datta discloses a system and method for generating web page content or components,

wherein data is provided based on a prediction of a future data. Datta explains that the system

has a preloader that works in conjunction with a web/app server to cache web page content for

faster on-demand and anticipatory dynamic web page delivery (abstract; col. 3, lines 7-42).

Datta teaches a replacement policy that utilizes predictive information to make replacement

decisions, wherein the policy uses a profile server that predicts a user's next content request

(abstract; col. 3, lines 7-25). Therefore, it would have been obvious to one having ordinary skill

in the art at the time the invention was made to modify Mikhail's method of providing data to

include Datta's teaching of using predictive knowledge because users are provided with

personalized content that most likely will be of the user's interest and it also improves

performance by minimizing page download time, which is convenient for successfully

conducting commerce online.

5.   **Claims 5, 6, 16, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over Mikhail et al (US 7,246,324 B2) and Melet et al (US 2002/0029243 A1).

Claims 5, 16 and 20:

Mikhail does not specifically teach that the user interface does not change pages as the

user interacts with the application. However, Melet discloses a system and method for

communicating information over the Internet, wherein a webpage includes an improved

involving interactive dialog box having a first revolution and a second revolution (abstract; p. 2,

par. 0025, 0027, 0028). Melet teaches that after the user provides user data or a request for

information via the first revolution of the evolving interactive dialog box, the first revolution is

replaced with a second revolution without disturbing or affecting any other part of the host

webpage being displayed by the user's computer (p. 3, par. 0041, 0045, 0052; p. 4, par. 0056-

0057). Thus, it would have been obvious to one ordinarily skilled in the art at the time of

invention to modify Mikhail's method of providing information to include Melet's teaching

of using a page that is not affected by the user's interactions because, as Melet explains, the user

is not driven or distracted away from the host Web site while submitting user data, and the user

is not forced to wait while a new webpage is downloaded into their computer's browser.

Claims 6 and 17:

Mikhail/Melet teaches a user interface resembling a client-server application (Mikhail:

col. 1, lines 11-23, 30-61; col. 2, lines 34-49; Melet: p. 1, par. 0006, 0011, 0014).

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to X. L. Bautista whose telephone number is (571) 272-4132. The

examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.
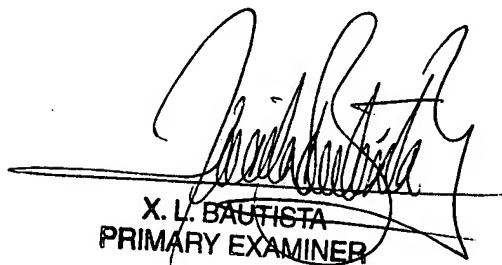
8.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the

Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

X. L. BAUTISTA
PRIMARY EXAMINER

xlb
January 30, 2008